

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:22-CR-118-TAV-JEM</b>
	)	<b>JUDGE VARLAN</b>
<b>EDWARD KELLEY,</b>	)	<b>Magistrate Judge McCook</b>
	)	
<b>Defendant.</b>	)	

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**MOTION TO CONTINUE SENTENCING HEARING**

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COMES the Defendant Edward Kelley (“Kelley”), by and through counsel, and hereby moves this Court to continue his sentencing hearing scheduled for May 7, 2025. In support of this Motion and for good cause Kelley shows as follows:

1. On November 20, 2024, Kelley was found guilty of all three charges in an Indictment returned by a grand jury in this district, and his sentencing hearing was scheduled for May 7, 2025.

2. Probation released Kelley’s presentence report on April 2, 2025. Kelley and his counsel had an opportunity to review that report and consider certain objections.

3. However, on April 8, 2025, Probation filed by an Addendum to the Presentence Report and a Revised Presentence Report which made significant changes to the Presentence Report, specifically to the Federal Sentencing Guidelines probation asserts are applicable to this case.

4. Objections to the Presentence Report are due on April 16, 2025 (based on the filing of the initial report). Kelley and his counsel have not had sufficient time to review all the changes to the Presentence Report and file objections which will be numerous. In addition, Kelley’s sentencing memorandum is due on April 23, 2025.

5. There are significant issues with Kelley's presentence report and the applicable guidelines as calculated by probation. This is not a typical federal case where the application of the sentencing guidelines is relatively straight forward, and objections are typically few, if any. Kelley requests additional time and a continuance of his sentencing hearing so that he may have the time to consider all proper objections, place those objections before the Court, ensure that he is given the proper due process before a sentence is imposed, and the record preserved for future appellate review.

6. Kelley's counsel also has two (2) sentencing hearings scheduled for that same week and is working on discussing those presentence reports with those clients and making all appropriate filings.

7. This is Kelley's first request for a continuance of his sentencing hearing.

WHEREFORE, for good cause shown, the Defendant Edward Kelley moves this Court to continue his sentencing hearing, and for such other and further general relief as this Court deems appropriate.

Respectfully submitted this 14<sup>th</sup> day of April 2025

/s/ Mark E. Brown

Mark E. Brown (BPR #021851)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of April 2025, a true and exact copy of this document has been served via this Court's electronic filing system with service on all parties appearing on this Court's electronic service certificate. All parties in interest may access this pleading via ECF.

/s/ Mark E. Brown

Mark E. Brown